

ESTATE OF CHARLES A. STRAKA

DECEMBER 9 (legislative day, DECEMBER 7), 1943.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1326]

The Committee on Claims, to whom was referred the bill (S. 1326) for the relief of Charles A. Straka, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Page 1, line 4, after the fourth word, insert "the late".

Amend title to read "A bill for the relief of the estate of Charles A. Straka".

The purpose of the proposed legislation is to authorize and direct the Comptroller General to credit the accounts of the late Charles A. Straka, former postmaster at Milledgeville, Ill., with the sum of \$1,149.35, representing the total of the amounts claimed by him in his quarterly reports as compensation for the period May 1 to December 5, 1940, but disallowed by the General Accounting Office.

STATEMENT OF FACTS

The records of the Comptroller General show that Charles A. Straka was appointed postmaster at Milledgeville, Ill., on February 6, 1937, and under authority vested in him he designated his wife, Hannah E. Straka, as his assistant postmaster. Sometime prior to May 1, 1940, Mr. Straka was inflicted with an illness which later was discovered to be incurable. He tendered his resignation on October 2, 1940, but was not relieved of the office until the close of business December 5, 1940, when his wife was installed as acting postmaster. She conducted the office during his absence, and received no pay therefor, the clerical allowance being paid to a clerk. The Postmaster General reports that—

The Department is proceeding to make collection of the amount due the Government from the sureties on Mr. Straka's bond, and it is not believed any relief is justified. Accordingly, it is recommended that the measure be not enacted.

The Comptroller General states—

It would appear that there is some merit to the contention that Mrs. Straka should be allowed some compensation for conducting the office from May 1 to December 5, 1940. It is believed that this feature should be considered by the Department before making further effort to effect a collection in this case.

In a letter to the inspector in charge, the inspector who investigated the case reported in part as follows:

5. Mrs. Straka was assistant postmaster * * * during the term of her husband postmaster and she withdrew no compensation from the Government for her services as assistant postmaster. Of course, she indirectly was paid through her husband postmaster, but no salary or compensation was paid to her so far as the records of the office are concerned. During the absence of Mr. Straka the affairs of the Milledgeville office were handled in a satisfactory manner and good service was rendered to public. Mrs. Straka, in effect, was the postmaster. The clerk hire allowance was paid to a regularly employed clerk.

The Comptroller General concludes his report to your committee with the following statement:

In view of the unusual circumstances appearing in this case I believe the bill should be given favorable consideration.

It is the recommendation of your committee that this bill do pass, as amended.

Appended are the reports of the Postmaster General and the Comptroller General of the United States.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., November 5, 1943.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Claims, United States Senate.

MY DEAR SENATOR ELLENDER: Your letter of October 16, 1943, requested a report upon S. 1326, a bill for the relief of Charles A. Straka.

Charles A. Straka was appointed postmaster at Milledgeville, Ill., on February 6, 1937, succeeding his wife who had been serving as acting postmaster since June 30, 1936. He became ill in October 1939 and absented himself from the office for a period of 8 months before the fact of his absence became known to the Department, he having failed to make a report thereof or apply for leave to cover the same. When this fact came to light during an inspection of the office, he was called upon to submit applications for leave covering the period, and advised that leave with pay could not be authorized in excess of 6 months, and that any leave used by him in excess of 6 months would have to be taken without pay, and that he would be held personally responsible for the proper conduct of the office at his own expense until he returned to duty or resigned; further, that if he was financially unable to meet these conditions he should give consideration to the submission of his resignation at an early date, in view of the fact that his term would expire within a year, and it seemed highly improbable that he could qualify through medical examination for reappointment because of his physical condition. His leave with pay became exhausted on April 30, 1940, notwithstanding which compensation was claimed up to the date his wife again took over the office as acting postmaster on December 5, 1940.

The matter of wrongful withdrawal of salary was brought forcibly to the attention of both Mr. and Mrs. Straka, the latter having been conducting the office for him and in his name, on August 31, 1940, when the General Accounting Office sent a statement of differences for the June quarter showing a balance then due the United States for salary withdrawn from May 1 to June 30, 1940, in the amount of \$348.58, which he was directed to debit in his next quarterly report. This instruction was not only ignored but the salary of the office was claimed thereafter in the September and December quarters, to the total amount of \$1,151.91.

It will be seen that both Mr. and Mrs. Straka, who had previously served as postmaster at this office, were fully aware of the fact that he was in a nonpay status and, therefore, not entitled to salary, they not only having been advised

to this effect by the Department, but also by the General Accounting Office when the statement of differences was received for the June quarter. Mr. Straka did not resign, although Mrs. Straka advised that she repeatedly urged him to do so, until October 2, 1940, and Mrs. Straka, who was appointed acting postmaster to succeed him on November 22, 1940, did not assume charge in that capacity until December 5, 1940, from which date she became entitled to the compensation of the office.

In view of all the facts in this case, the Department is proceeding to make collection of the amount due the Government from the sureties on Mr. Straka's bond, and it is not believed any relief is justified. Accordingly, it is recommended that the measure be not enacted.

It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

Very truly yours,

FRANK C. WALKER,
Postmaster General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, November 8, 1943.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Claims, United States Senate.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of October 16, 1943, requesting a report on S. 1326, Seventy-eighth Congress, entitled "A bill for the relief of Charles A. Straka."

The bill provides as follows:

"That the Comptroller General is authorized and directed to credit the accounts of Charles A. Straka, former postmaster at Milledgeville, Ill., with the sum of \$1,149.35, representing the total of the amounts claimed by him in his quarterly reports as compensation for the period May 1, 1940, to December 5, 1940, but disallowed by the General Accounting Office."

The records of this office show that Charles A. Straka was appointed postmaster at Milledgeville, Ill., a third-class post office, February 6, 1937, and that he did not have a classified status. Hannah E. Straka was designated acting postmaster December 5, 1940, to succeed him and assumed charge of the office December 6, 1940. As certified by the Postmaster General, the annual salary of the office was \$2,000 for the fiscal year 1940 and \$1,900 for the fiscal year 1941. On Journal No. 773 of July 18, 1940, the Postmaster General under the heading "Deduct for days absent without pay" certified "Milledgeville, Ill., beginning May 1, 1940, until further notice." The certification was restated on Journal 154 dated July 3, 1943, to show the period as May 1 to December 5, 1940. In accordance with these certifications this office withheld allowance of credit for compensation claimed by the former postmaster, and a statement of his account including minor adjustments is as follows:

Compensation claimed by the former postmaster during the period		
May 1 to Dec. 5, 1940 and disallowed	\$1,150.53	
Errors in listing issued money orders	.19	
Excess over allowance	1.37	
Error in rent voucher	.01	
Total		1,152.10
Light and fuel, subsequently allowed	\$1.37	
Funds deposited	1.38	
		2.75
Net balance as shown by statement of June 19, 1943		1,149.35

In letter dated May 21, 1941, to the Chief Inspector, Washington, D. C., the inspector in charge, Chicago, Ill., reported as follows:

"The amount due for improperly withdrawn salary is \$1,150.53, and this covers the period from May 1 to December 5, 1940. Mr. Straka was absent on account of personal sickness beginning October 31, 1939, but did not apply for leave until after May 8, 1940, when his absence was noted by Inspector Kinney, who inspected the office on that date. Copies of correspondence relative to this absence are herewith, including my letter of June 28, 1940, which notified the postmaster that

he entered a nonpay status on May 1, 1940, and that he should consider resigning if he could not afford to pay for assistance necessary to conduct the office.

"Although Mr. Straka tendered his resignation October 2, 1940, he was not relieved of the office until the close of business December 5, 1940, when his wife, Mrs. Hannah E. Straka, was installed as acting postmaster. Mrs. Straka was assistant postmaster during the postmastership of her husband, who was appointed February 6, 1937. She conducted the office during his absence, and received no pay therefor, the clerical allowance being paid to a clerk.

"It would appear that there is some merit to the contention that Mrs. Straka should be allowed some compensation for conducting the office from May 1 to December 5, 1940. It is believed that this feature should be considered by the Department before making further efforts to effect a collection in this case.

In letter dated May 19, 1941, to the inspector in charge, the inspector who investigated the case reported in part as follows:

"5. Mrs. Straka was assistant postmaster at the Milledgeville post office during the term of her husband postmaster and she withdrew no compensation from the Government for her services as assistant postmaster. Of course, she indirectly was paid through her husband postmaster, but no salary or compensation was paid to her so far as the records of the office are concerned. During the absence of Mr. Straka the affairs of the Milledgeville office were handled in a satisfactory manner and good service was rendered to public. Mrs. Straka, in effect, was the postmaster. The clerk-hire allowance was paid to a regularly employed clerk."

In view of the unusual circumstances appearing in this case I believe the bill should be given favorable consideration.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

